

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BIENVENIDO I. LUGO MARCHANT,
Plaintiff,

v.

PETER TSICKRITZIS, KEVIN
KINGSTON and UNITED LIQUORS
LIMITED,
Defendants.

Civil Action No. 05 11317 NMG

MOTION TO EXTEND SUMMARY JUDGMENT DEADLINE

Defendants, Peter Tsickritzis, Kevin Kingston and United Liquors Ltd, hereby move to extend the deadline for serving summary judgment motions in this case by one week, from Wednesday, January 31, 2007 to Wednesday, February 7, 2007. As grounds for their motion, Defendants state the following:

1. This action arises out of Plaintiff's employment with United Liquors Limited ("United Liquors"). In his Complaint filed in September 2005, Plaintiff alleges discriminatory treatment during his employment and asserts claims under Title VII of the Civil Rights Act of 1964 and Title I of the Americans With Disabilities Act.

2. Defendants served their first set of interrogatories and first request for documents upon Plaintiff on January 6, 2006. However, it was not until over six months later, on or about July 28, 2006, after several motions were filed, that Defendants received Plaintiff's discovery responses.

3. On October 6, 2006, Defendants began taking Plaintiff's deposition, but the deposition was adjourned prior to completion at Plaintiff's suggestion. Plaintiff agreed to complete his deposition at a later date and Defendants agreed to suspend the deposition and reschedule.

4. Following Defendants' third motion to extend discovery, the Court entered an Order on December 6, 2006, providing that discovery in this matter closed on December 22, 2006.

5. Defendants deposed Plaintiff again on December 15, 2006 and were able to complete the deposition that day.

6. Since the close of discovery on December 22, 2006, Plaintiff sent letters to 19 entities requesting records relating to Defendants. Counsel for Defendants received copies of the letters on January 9 and 10, 2007.

7. On January 10 and 11, 2007, counsel for Defendants sent a letter to each of the 19 recipients of Plaintiff's request for records regarding the Defendants, advising them that the Defendants would be seeking an order precluding Plaintiff from proceeding with this discovery. On January 17, 2007, Defendants served a Motion For A Protective Order Pursuant to Fed. R. Civ. P. 26(c).

8. Since the close of discovery on December 22, 2006, Plaintiff also served three discovery motions. First, Plaintiff served a Motion in Limine on January 8, 2007. Second, Plaintiff served a Motion to Compel Defendants To Produce Complete And Substantive Responses To The Interrogatories Propounded By The Plaintiff on January 8, 2007. Third, Plaintiff served a Motion To Allow Duces Tecum On Public Records And Others (sic) Records Not Released By The Defendants on January 12, 2007.

9. Defendants were required to prepare oppositions to all three motions and served their oppositions on January 24, 2007.

10. The current deadline for service of summary judgment motions is Wednesday, January 31, 2007. Due to the time spent responding to Plaintiff's three discovery motions as well as preparing their Motion For A Protective Order Pursuant To Fed. R. Civ. P. 26(c), Defendants are seeking an additional week for service of their dispositive motion. Accordingly, Defendants request that the summary judgment deadline be extended by one week, up to and including Wednesday, February 7, 2007.

WHEREFORE, Defendants request that the Court extend by one week the deadline for serving summary judgment papers, up to and including February 7, 2007.

Certification of Conference

Defendants hereby certify that they, through their counsel, attempted to confer with Plaintiff about this motion on January 30, 2007. Defendants' counsel was unable to reach Plaintiff and, thus, left a voicemail message for Plaintiff. Plaintiff did not return Defendants' counsel's call prior to the filing of this motion. Accordingly, the issues raised in this motion have not been narrowed.

Respectfully submitted,

UNITED LIQUORS LIMITED,
PETER TSICKRITZIS and KEVIN KINGSTON
By their attorneys,

/s/ Joan Ackerstein

Joan Ackerstein, BBO #348220
Heather L. Stepler, BBO #654269
JACKSON LEWIS LLP
75 Park Plaza, 4th Floor
Boston, MA 02116
(617) 367-0025; fax: (617) 367-2155

Dated: January 30, 2007

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2007, this document was served upon Plaintiff, Bienvenido I. Lugo Marchant, 19 Grove Street, Brockton, MA 02301, by first class mail, postage prepaid.

/s/ Heather L. Stepler

Jackson Lewis LLP